

5.0 BLACKFEET NATION ISSUES & CONCERNS

The Blackfeet Nation is an important stakeholder because the entire diversion and conveyance system to the North Fork of the Milk River lies within the boundaries of the Blackfeet Nation. As such, they have had issues with the Diversion Facilities over the last 90 years and concerns regarding the proposed project rehabilitation. A meeting was held on November 30, 2004 in Browning with Tribal environmental and natural resource staff to discuss the project and their concerns. Their issues are threefold: 1) the Blackfeet Nation, its people, its cultures and Tribal ordinances; 2) land and water quality; and 3) impacts to wildlife.

Blackfeet Nation

The Blackfeet Nation should provide input on design alternatives and should be involved with the review process. This can be accomplished with public meetings, public announcements and coordination with Tribal staff. This involvement must also include that from local landowners adjacent to the project.

It is likely that additional ROW and/or easements will be required for relocation and construction of replacement structures such as the diversion dam and canal headgates, Kennedy Creek, St. Mary River and Halls Coulee siphons, the St. Mary River Bridge, and the hydraulic drops. Also, improvements to the canal prism involving realignment and widening will require additional land acquisition. The BOR is currently developing a GIS-based map compiling their understanding of documented land ownerships, easements and ROW. It is important that this map also show the present locations of the canal, maintenance roads, and related structures. At this stage of the process, only general statements can be made as to a likely location of a given replacement structure or canal realignment. Actual land acquisition requirements, both permanent and temporary for construction purposes, can only be fully determined during the design phases. Land acquisitions and negotiations will involve both tribal and non-tribal land owners, the Blackfeet Tribe and the Bureau of Indian Affairs (BIA).

Sensitivity to cultural resources, living history, archaeology, ethnographic/traditional cultural properties must be understood and properly mitigated prior to project rehabilitation. This will

involve a close working relationship with the Blackfeet Tribal Historic Preservation Office (THPO).

All Tribal ordinances including, but not limited to, environmental permitting, environmental compliance, TERO, and other Tribal fees must be adopted and incorporated into project rehabilitation.

Impacts to Land and Water Quality

These issues include, in part, the following:

- Changes to riparian corridor and wetlands that results from canal leakage.
- Provision for future livestock watering.
- Creation of additional wetlands.
- Aesthetics of the finished project.
- Temporary construction impacts to land and water quality.
- Water quality in North Fork of Milk River.
- Impacts of canal system on Babb water system and nearby wells.
- Environmental impacts, erosion and sedimentation from, and including, Lake Sherbourne to the diversion dam.

These concerns can be systematically addressed and incorporated into the project as the studies and designs progress by working closely with Tribal staff and local landowners.

Impacts on Wildlife

Concerns expressed regarding potential impacts to wildlife include, in part, the following:

- Destruction of existing and the creation of new habitat for waterfowl and other game birds.
- Lack of wildlife crossings (elk migration) with respect to the rehabilitated canal prism and livestock fencing.
- Elevated siphon affects elk migration.
- Bull trout issues with respect to the diversion dam and canal headgates.
- Implications of increasing hunter and other human access to wildlife.

- Construction impacts on grizzly bears, bald eagles, wolves, lynx, bull trout, elk calving areas.

These issues should be addressed and incorporated into the design and construction phases.